

Last Will and Testament

A simple will for a person who lives in a Canadian province or territory other than Quebec, signed before two witnesses.
Template v1.0.

This is the last will and testament of: _____

Of the city or town of: _____

In the province or territory of: _____

1. Earlier wills

I revoke all wills and codicils I have made before this one.

2. Executor and trustee

I appoint as executor and trustee of this will: _____

If that person dies before me, or cannot or will not act or continue to act, I appoint: _____

In this will, my trustee means whoever is acting as executor and trustee of my estate at the time, whether named above or appointed later.

3. Guardian

If I die leaving a child under the age of majority and no other parent of that child is living and able to care for them,

4. Particular gifts

I give the following:

A particular gift takes effect only if the person named survives me. If they do not, it falls into the residue of my estate unless I named someone else to receive it. If I no longer own an item at my death, the gift of it fails and nothing is given in its place.

5. The residue of my estate

I give all my property, wherever it is, to my trustee, to deal with as follows:

- (a) To pay my debts, my funeral expenses, the costs of administering my estate, income taxes for the year of my death, probate fees or estate administration tax, and any other taxes payable because of my death.
- (b) To deliver the particular gifts in section 4.

(c) To pay or transfer what remains, which is the residue of my estate, as set out below.

The residue of my estate goes to:

Any part of the residue not given away by these words goes to the persons who would inherit it from me under the law of my province or territory if I had died without a will.

6. Surviving me

A person must survive me by 30 days to receive anything under this will. Anyone who dies within those 30 days is treated as if they had died before me.

7. Powers of my trustee

- (a) My trustee may sell any part of my estate when and how my trustee decides, or keep it for as long as my trustee thinks best, and is not responsible for a resulting loss if acting in good faith.
- (b) My trustee may invest in any kind of property that a prudent investor might choose.
- (c) My trustee may divide or distribute my estate in kind, at values my trustee sets, and may make any election, choice or designation available under the Income Tax Act (Canada) or provincial tax law.
- (d) If a person entitled to part of my estate is under the age of majority, my trustee will hold that part in trust, invest it, use as much of the income and capital as my trustee thinks fit for that person's support, education and benefit, and pay what is left to them when they reach the age of majority. Where the law allows, my trustee may instead pay it to a parent or guardian of that person, whose receipt is a full discharge.

Signature of the testator

I sign this will on the date below in the presence of the two witnesses named below, who are both present at the same time.

Testator

Signature

Name

Date

Signed by the testator as their last will in our presence, both of us being present at the same time. We then signed as witnesses in the presence of the testator and of each other. Neither of us, nor the spouse of either of us, receives anything under this will.

First witness

Signature

Name

Date

Address

Second witness

Signature

Name

Date

Address